

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and
STATE OF NEW YORK *ex rel.*
CAROLYN HINESTROZA,
Plaintiffs,

v.

RALEX SERVICES, INC. d/b/a "GLEN ISLAND
CENTER FOR NURSING AND
REHABILITATION," LEAH FRIEDMAN, and
WILL-MAUR ASSOCIATES, LLC.,
Defendants.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
★ APR 29
BROOKLYN
NEW YORK STATE'S
STIPULATION AND
ORDER OF DISMISSAL
WITH PREJUDICE

Civil Action No. 10-CV-0822
(ERK) (JMA)

WHEREAS, on or about February 22, 2010, Relator Carolyn Hinestroza (the "Relator") filed a complaint under the *qui tam* provisions of the New York False Claims Act. N.Y. State Fin. Law § 189 *et seq.*, captioned United States of America ex rel. Carolyn Hinestroza, State of New York, ex rel. Carolyn Hinestroza v. Ralex Services, Inc. d/b/a "Glen Island Care Center," et al. (the "Hinestroza Action");

WHEREAS, in her complaint Relator also asserted claims pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, in accordance with 31 U.S.C. § 3730(b) and N.Y. State Fin. Law § 190(2)(b), Relator's complaint was deemed sealed for a period of at least sixty days from the date of service of Relator's complaint and disclosure material on the State of New York;

WHEREAS, on December 13, 2013, the State of New York and the United States filed their respective Notices of Partial Intervention in the Hinestroza Action;

WHEREAS, on August 18, 2014, the State of New York and the United States filed their Joint Complaint-In-Intervention against two of the defendants named in Relator's complaint, namely, Ralex Services, Inc. d/b/a Glen Island Center for Nursing and Rehabilitation ("Glen

Island”), and Leah Friedman, as well as a third defendant, Will-Maur Associates, LLC (“Will-Maur”) (the “Government Complaint”);

WHEREAS, on August 18, 2014, Relator, the United States and the State of New York entered into Settlement Agreements (“U.S. Settlement Agreement” and “State Settlement Agreement,” respectively) with Glen Island, Leah Friedman and Will-Maur (the “Settling Defendants”);

WHEREAS, on September 16, 2014, the Court granted Relator’s stipulation to voluntarily dismiss with prejudice all of her remaining claims in the Hinestroza Action, except for her claim for attorney’s fees, pursuant to 31 U.S.C. § 3730(d) and;

WHEREAS, on that same day the Court granted the United States’ and the State of New York’s stipulation to voluntarily dismiss without prejudice all of their claims contained in the Hinestroza Action and the Government Complaint;

WHEREAS, on November 6, 2015, the Court granted the United States’ stipulation to dismiss with prejudice all of their claims contained in the Hinestroza Action and the Government Complaint;

WHEREAS, the Settling Defendants have satisfied their payment obligations under the State Settlement Agreement by making their final payment to the State of New York;

WHEREAS, Glen Island has satisfied its obligation under the State Settlement Agreement to enter into a Corporate Integrity Agreement with the New York State Office of the Medicaid Inspector General;

THEREFORE, IT IS HEREBY STIPULATED by the undersigned counsel for the State of New York that:

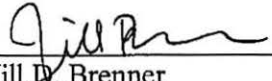
1. The claims in the Hinestroza Action that are brought by, or on behalf of, the State of

New York are dismissed with prejudice.

2. The claims in the Government Complaint that are brought by, or on behalf of the State of New York are dismissed with prejudice.

Dated: New York, New York
April 4, 2016

By:


Jill D. Brenner
Special Assistant Attorney General
Medicaid Fraud Control Unit
120 Broadway
New York, NY 10271

SO ORDERED

On this 27th day of April, 2016.

s/ Edward R. Korman

HONORABLE EDWARD R. KORMAN
United States District Judge